

ENTERED

January 14, 2020

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

HUMBERTO ROSALES CRUZ.,

Plaintiff,

v.

RODRIGUEZ, *et al.*,

Defendants.

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CIVIL ACTION NO. 2:19-CV-297

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION
TO DISMISS CASE**

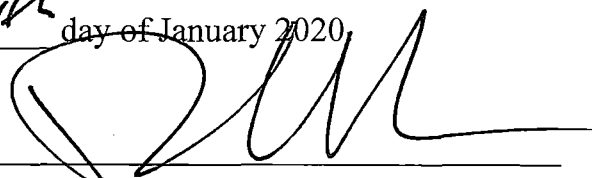
Before the Court is Magistrate Judge Jason B. Libby's Memorandum and Recommendation ("M&R"), entered on December 19, 2019. (D.E. 21). The M&R recommends that the Court dismiss with prejudice Plaintiff's complaint for failure to state a claim and/or as frivolous.

The parties were provided proper notice of, and the opportunity to object to, the Magistrate Judge's M&R. *See* 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b); General Order No. 2002-13. No timely objection has been filed.¹ When no timely objection has been filed, the district court need only determine whether the magistrate judge's memorandum and recommendation is clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (per curiam); *Powell v. Litton Loan Servicing, LP*, No. CIV. A. H-14-2700, 2015 WL 3823141, at *1 (S.D. Tex. June 18, 2015).

¹ Plaintiff filed a letter on January 3, 2020. (D.E. 23). Even construing the letter liberally, the Court does not consider the letter to be an objection to the M&R, and the contents do not change the Court's finding.

The Court has carefully reviewed the proposed findings and conclusions of the Magistrate Judge, the filings of the Plaintiff, the record, and the applicable law, and finds that the M&R is not clearly erroneous or contrary to law. Therefore, the Court **ADOPTS** the M&R in its entirety. (D.E. 21). Accordingly, Plaintiff's complaint is **DISMISSED with prejudice**.

SIGNED and ORDERED this 14th day of January 2020.



DAVID S. MORALES
UNITED STATES DISTRICT JUDGE